

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Jimmie Ray Battle

Docket No. 4:10-CR-89-1BO

Petition for Action on Supervised Release

COMES NOW Taron N. Seburn, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jimmie Ray Battle, who, upon an earlier plea of guilty to Possession of a Firearm by a Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on May 17, 2011, to the custody of the Bureau of Prisons for a term of 180 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

On October 5, 2016, pursuant to 28 U.S.C § 2255, the defendant's term of imprisonment was amended to time served. It was further ordered that upon release from imprisonment, the defendant shall be on supervised release for a term of 2 years. Jimmie Ray Battle was released from custody on October 5, 2016, at which time the term of supervised release commenced.

On November 9, 2016, the defendant's judgment was amended after a Petition for Action on Supervised Release was filed adding the condition requiring the defendant submit to a psycho-sexual evaluation by a qualified mental health professional who is experienced in evaluating sexual offenders. The defendant signed a Waiver of Hearing agreeing to the modification of supervision and agreed to comply with the recommendations of the treatment provider.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: A February 27, 1984, conviction for the offense of Second degree Rape (84CRS1939) in Nashville, North Carolina, requires Battle to comply with the requirements of the sex offender registry. Additionally, because of his status as a registered sex offender under active federal supervision, his judgment was amended, and he was required to obtain a psycho-sexual evaluation and comply with the recommendations of the treatment provider. On January 8, 2017, the defendant completed a psycho-sexual evaluation with Maggie Yankov, PLLC., wherein the treatment provider recommended the defendant continue to comply with the requirements of the North Carolina Sex Offender Registry, attend sex offender treatment, and submit to polygraph testing. It is therefore recommended that the conditions of release be amended accordingly.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer.
2. At the direction of the U.S. Probation Officer, the defendant shall submit to physiological testing, which may include, but is not limited to, polygraph examinations or other tests to monitor the defendant's compliance with probation or supervised release and treatment conditions.
3. The defendant shall participate in a sex offender treatment program as directed by the U.S. Probation Officer, and the defendant shall comply with and abide by all the rules, requirements, and conditions of the treatment program until discharged. The defendant shall take medication as prescribed by the treatment provider.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Taron N. Seburn
Taron N. Seburn
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2335
Executed On: January 18, 2017

ORDER OF THE COURT

Considered and ordered this 18 day of January, 2017, and ordered filed and made a part of the records in the above case.

Terence Boyle
Terrence W. Boyle
U.S. District Judge